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Attorneys for Plaintiffs,
SONY BMG MUSIC ENTERTAINMENT;
ARISTA RECORDS LLC; UMG
RECORDINGS, INC.; and ELEKTRA
ENTERTAINMENT GROUP INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SONY BMG MUSIC ENTERTAINMENT, a
Delaware general partnership; ARISTA
RECORDS LLC, a Delaware limited liability
company; UMG RECORDINGS, INC., a
Delaware corporation; and ELEKTRA
ENTERTAINMENT GROUP INC., a Delaware
corporation,

Plaintiffs,

v.

JOHN DOE,

Defendant.

CASE NO. 3:07-CV-04859-CRB

Honorable Charles R. Breyer

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND EXTEND TIME TO SERVE
DEFENDANT AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for January 4, 2008 at 8:30 a.m. to April 4, 2008. Plaintiffs further request, pursuant to
3 the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), that Plaintiffs' time to serve the
4 Summons and Complaint on Defendant be extended from January 18, 2008 to May 16, 2008. As set
5 forth in greater detail below, Plaintiffs do not yet know Defendant's true identity and will be unable
6 to identify Defendant unless and until the Court grants Plaintiffs' *Ex Parte* Application for Leave to
7 Take Immediate Discovery, filed on September 20, 2007.

8 Plaintiffs filed the Complaint for Copyright Infringement against Defendant John Doe
9 ("Defendant") on September 20, 2007. Plaintiffs did not have sufficient identifying information to
10 name Defendant in the Complaint, but were able to identify Defendant by the Internet Protocol
11 address assigned to Defendant by Defendant's Internet Service Provider – here, University of San
12 Francisco ("USF"). Accordingly, also on September 20, 2007, Plaintiffs filed their *Ex Parte*
13 Application for Leave to Take Immediate Discovery, seeking the Court's permission to serve a Rule
14 45 subpoena on USF so that Plaintiffs could discover information sufficient to identify Defendant.
15 The Court has not yet ruled on Plaintiffs' *Ex Parte* Application for Leave to Take Immediate
16 Discovery.

17 If the Court grants Plaintiffs' *Ex Parte* Application for Leave to Take Immediate Discovery,
18 Plaintiffs will attempt to determine Defendant's identity by serving a Rule 45 subpoena on USF.
19 However, until that time, Plaintiffs cannot identify and serve Defendant or otherwise advance this
20 litigation.

21 Given the foregoing circumstances, a case management conference is unnecessary at this
22 time. Plaintiffs therefore respectfully request that the Court continue the case management
23 conference currently set for January 4, 2008, at 8:30 a.m. to April 4, 2008.

24 Furthermore, the original time period for Plaintiffs to serve the Summons and Complaint on
25 Defendant will expire on January 18, 2008. Unless and until Plaintiffs learn Defendant's identity,
26 Plaintiffs will be unable to amend the complaint to name Defendant, or serve the amended complaint
27 on Defendant. Even if the Court were to grant Plaintiffs' *Ex Parte* Application for Leave to Take
28 Immediate Discovery in the near future and Plaintiffs were then to immediately serve a subpoena on

1 USF, it is unlikely that Plaintiffs would learn Defendant's identity before the original service
2 deadline passes. Moreover, Plaintiffs would be left with little or no time to contact Defendant and
3 attempt to resolve this matter or to amend the complaint to name Defendant and attempt to serve the
4 amended complaint.

5 Therefore, Plaintiffs respectfully request that the time to serve the Summons and Complaint
6 on Defendant be extended to May 16, 2008.

7 Dated: December 20, 2007

HOLME ROBERTS & OWEN LLP

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9 By: /s/ Matthew Franklin Jaksa

10 MATTHEW FRANKLIN JAKSA

11 Attorney for Plaintiffs
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ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for January 4, 2008, at 8:30 a.m. be continued to April 4, 2008.

IT IS FURTHER ORDERED that, pursuant to the Federal Rules of Civil Procedure, Rules 4(m) and 6(b)(1), Plaintiffs' time to serve the Summons and Complaint on Defendant be extended to May 16, 2008.

Dated: _____

By: _____
Honorable Charles R. Breyer
United States District Judge